EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CloudofChange, LLC, *Plaintiff* v. NCR Corporation, *Defendant*	§ § § § § § § § § §	CIVIL NO. 6:19-CV-00513-ADA

ORDER ON PRETRIAL MOTIONS AND MOTIONS *IN LIMINE*

The Court held a three-part pretrial conference for the above-captioned action on April 29, 2021, May 5, 2021, and May 11, 2021 regarding pending pretrial motions (ECF Nos. 64, 66, 68, 70, 89, and 97) and motions *in limine* (ECF Nos. 91, 95, and 96) filed by Plaintiff CloudofChange, LLC ("CoC") and Defendant NCR Corporation ("NCR") (collectively, the "Parties"). ECF Nos. 64, 66, 68, 70, 89, 91, 95, 96, and 97. This Order memorializes the Court's rulings on the aforementioned pretrial motions and motions *in limine* as announced into the record, including additional instructions that were given to the Parties. While this Order summarizes the Court's rulings as announced into the record during the pretrial hearing, this Order in no way limits or constrains such rulings from the bench. Accordingly, it is hereby **ORDERED** as follows:

I. PRETRIAL MOTIONS

A. NCR's Motion for Summary Judgment of Noninfringement (ECF No. 64)

DENIED.

B. NCR's Motion for Summary Judgment of Invalidity (ECF No. 66)

DENIED.

C. NCR's Motion to Exclude the Opinions and Testimony of Mr. Gregory C. Crouse (ECF No. 68)

GRANTED-IN-PART and **DENIED-IN-PART.**

NCR's motion is GRANTED with respect to Mr. Crouse's apportionment analysis, MOOTED as to his conveyed sales analysis, and DENIED as to the remainder.

D. CoC's Motion to Exclude the Opinions and Testimony of Sandeep Chatterjee (ECF No. 70)

DENIED.

E. CoC's *Daubert* Motion to Exclude the Damages Opinions and Testimony of Dr. Devrim Ikizler (ECF No. 89)

GRANTED-IN-PART and **DENIED-IN-PART.**

CoC's motion is GRANTED with respect to Dr. Ikizler's market value approach and patent-based apportionment approach, and is DENIED as to the design around approach and the feature-based apportionment approach.

F. NCR's Motion to Exclude the Opinions and Testimony of Ambreen Salters (ECF No. 97)

DENIED. However, Ms. Salters shall not rely on any part of Mr. Crouse's opinions that have been excluded by the Court.

II. MOTIONS IN LIMINE

It is **ORDERED** that the Parties, their witnesses, and counsel shall not raise, discuss, or argue the following before the venire panel or the jury without prior leave of the Court:

A. Plaintiff CoC's Motions *in Limine* (ECF No. 91)

1. Plaintiff's MIL 1: References to CoC as a Non-Practicing Entity and Patent Troll

GRANTED. The Court will not allow describing CoC as a "patent troll." However, NCR may characterize CoC as a non-practicing entity if there is a legitimate reason to do so.

2. Plaintiff's MIL 2: Disparaging Remarks or Arguments Implying that It Is Improper to Assert Patents Without Practicing Them

GRANTED.

3. Plaintiff's MIL 3: References to Prior Litigations Involving CoC Witnesses

GRANTED.

4. Plaintiff's MIL 4: References to Notice Letters Sent to Third Parties Other than NCR

GRANTED.

5. Plaintiff's MIL 5: References to Any Prior Art and Any Theory of Invalidity Not Set Forth in NCR's Final Invalidity Contentions as Narrowed

GRANTED.

6. Plaintiff's MIL 6: Comparison of the Accused Products to Prior Art

GRANTED.

7. Plaintiff's MIL 7: References to Forum Shopping, Litigation Abuse, or the Western District of Texas as a Popular Venue for Patent Litigation or as an Improper Venue

GRANTED.

8. Plaintiff's MIL 8: References to NCR's 414 Patents

DENIED.

9. Plaintiff's MIL 9: References to the Summer Intern Weights Document and Any Analysis Contained Therein

GRANTED.

10. Plaintiff's MIL 10: References to Allegations that Individual Claim Elements Were in the Prior Art

GRANTED.

11. Plaintiff's MIL 11: Disparaging References to the PTO and its Examiners

GRANTED.

12. Plaintiff's MIL 12: References to Evidence or Argument that Is Inconsistent with the Court's Claim Constructions

GRANTED.

13. Plaintiff's MIL 13: References to Chatterjee's Untimely Opinions

GRANTED.

14. Plaintiff's MIL 14: References to CoC's Attorney Fee Agreements

GRANTED.

B. Defendant NCR's First Set of Motions *in Limine* (ECF No. 95)

1. Defendant's MIL 1: No Argument, Evidence, or Questions Concerning Presence or Absence of Party's Employees/Executives, e.g., Absent Witnesses or Top Executives

GRANTED.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.